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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/741,884	Applicant(s) ISMERT ET AL.	
	Examiner Matthew S. Gart	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's arguments, see Appeal Brief, filed 2/10/2005, with respect to the rejected claims have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is provided below.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 7, 10-24, 28, 31-36, 38-45, 49, 52-57 and 59-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (U.S. Patent No. 6,196,458).**

Referring to claim 1. Walker discloses a computer-implemented method for managing purchasing data, the method comprising:

- Receiving purchasing data from a purchasing entity, wherein the purchasing data relates to purchase transactions for a plurality of products purchased by the purchasing entity (Walker: column 5, lines 32-34, "For each account holder, the central controller 12 receives and stores billing items generated by transactions on the account holder's account.");

- Using a computer to identify, for each transaction, a product related to the transaction by comparing the received purchasing data with product information stored in a product index, wherein the product information in the index associates at least a portion of the received purchasing data with a particular product (Walker: column 5, lines 34-36, "...determines if the billing items satisfy any upsell conditions stored in the upsell database 30.");
- Modifying the received purchasing data to include data representing the identified product (Walker: column 5, lines 36-39, "...if the billing items satisfy an upsell offer condition, determines an upsell corresponding to the upsell offer condition, and prints onto the billing statement indicia that specifies the upsell."); and
- Processing the modified purchasing data to reflect all purchase transactions concerning the identified product (Walker: column 7, line 65 to column 8, line 5).

Referring to claim 2. Walker further discloses a method of claim 1, wherein the receiving step further includes determining whether the received purchasing data complies with predetermined purchasing data criteria defining data expected from the purchasing entity (walker: column 6, lines 54-65).

Referring to claim 3. Walker further discloses a method wherein the receiving step further includes formatting the received purchasing data to comply with predetermined data storage requirements (Walker: column 5, lines 42-56).

Referring to claim 7. Walker further discloses a method wherein the product identifying step further includes comparing the received purchasing data with product information stored in a plurality product indexes, wherein each index associates

different portions of the received purchasing data with products; and identifying the product related to the transaction based on the comparisons with the product information in each of the plurality of indexes (Walker: Fig. 3).

Referring to claim 10. Walker further discloses a method comprising:

- Identifying, for each transaction, a supplier associated with the particular transaction (Walker: Fig. 5, "Merchant Identifier");
- Modifying the received purchasing data to include data representing the identified supplier (Walker: column 5, lines 36-39, "...if the billing items satisfy an upsell offer condition, determines an upsell corresponding to the upsell offer condition, and prints onto the billing statement indicia that specifies the upsell."); and
- Processing the modified purchasing data to reflect all purchase transactions concerning the identified supplier (Walker: column 7, line 65 to column 8, line 5).

Referring to claim 11. Walker further discloses a method wherein the step of identifying a supplier includes: identifying, for each transaction, a supplier associated with the transaction by comparing the received purchasing data with supplier identification information stored in a supplier database (Walker: Fig. 3 and Fig. 5).

Referring to claim 12. Walker further discloses a method wherein the method includes: updating the supplier database with new supplier identification information about suppliers contained in the received purchasing data (Walker: column 5, lines 31-50).

Referring to claim 13. Walker further discloses a method wherein the supplier identifying step includes:

- Comparing the received purchasing data with supplier identification information to determine a match based on at least one of the following matching criteria: (1) an exact match between a portion of the received purchasing data with the supplier identification information; or (2) a match of a predetermined portion of the received purchasing data with the supplier identification information (Walker: Fig. 3).

Referring to claim 14. Walker further discloses a method wherein the step of comparing the purchasing data includes determining a match based on at least one of the following supplier matching criteria: (1) a name of a supplier; (2) an acronym formed from a supplier's name; (3) an address or a portion of an address of a supplier; (4) a telephone or facsimile number of a supplier; or (5) an identification number assigned to a supplier (Walker: Fig. 3 and Fig. 5).

Referring to claim 15. Walker further discloses a method wherein a plurality of the supplier matching criteria may be used to determine a match (Walker: Fig. 3 and Fig. 5).

Referring to claim 16. The method of claim 10, wherein the step of identifying a supplier further includes:

- Assigning a supplier identification code corresponding to the identified supplier of each transaction; and
- Wherein the step of processing the modified purchasing data further includes the substep of sorting the transactions according to the assigned supplier identification code.

Referring to claim 17. Walker further discloses a method wherein the step of processing the modified purchasing data further includes the substep of: analyzing the modified purchasing data to summarize purchasing activity of the purchasing entity (Walker: Fig. 3).

Referring to claim 18. Walker further discloses a method wherein the index associates products with information on suppliers included in the received purchasing data (Walker: Fig. 3).

Referring to claim 19. Walker further discloses a method wherein the index associates products with textual information included in the received purchasing data (Walker: Fig. 3).

Referring to claim 20. Walker further discloses a method wherein the index associates products with an identification code included in the received purchasing data (Walker: Fig. 3).

Referring to claim 21. Walker further discloses a method wherein the method includes the step of: negotiating for purchases based on the processed modified purchasing data (Walker: Fig. 3).

Referring to claims 22-24, 28, 31-36, 38-45, 49, 52-57 and 59-63. Claims 22-24, 28, 31-36, 38-45, 49, 52-57 and 59-63 are rejected under the same rationale as set forth above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4-6, 8-9, 16, 25-27, 29-30, 37, 46-48, 50-51 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent No. 6,196,458) in view of Dicker (U.S. Patent Application Publication No. 2003/0105682).**

Referring to claim 4. Walker discloses a method according to claim 1 as indicated supra. Walker does not expressly disclose a method wherein the product index includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association, and wherein the product identifying step further includes:

- Determining, from the index, products associated with a portion of the received purchasing data; and
- Identifying the product related to the transaction based on the weight values of the products determined from the index.

Dicker discloses a method wherein the product index includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association (Dicker: Fig. 2, "84"), and wherein the product identifying step further includes:



- Determining, from the index, products associated with a portion of the received purchasing data (Dicker: Fig. 2); and
- Identifying the product related to the transaction based on the weight values of the products determined from the index (Dicker: Fig. 2).

At the time the invention was made it would have been obvious to one skilled in the art to have modified the method of Walker to have included the teachings of Dicker in order to recommend products based on information known about particular users (Dicker: paragraph 0003).

Referring to claim 5. Walker in view of Dicker discloses a method according to claim 4 as indicated supra. Dicker further discloses a method wherein the step of identifying the product based on the weight values includes identifying the product related to the transaction by selecting the product having the highest weight value (Dicker: Fig. 2, "94").

Referring to claim 6. Walker in view of Dicker discloses a method according to claim 4 as indicated supra. Dicker further discloses a method wherein the method includes updating the weight values based on an accuracy determination of the corresponding associations (Dicker: Fig. 3A).

Referring to claim 8. Claim 8 is rejected under the same rationale as set forth above in claim 4.

Referring to claim 9. Walker in view of Dicker discloses a method according to claim 8 as indicated supra. Dicker further discloses a method wherein the step of identifying the product based on the weight values includes:

- Combining the weight values for each determined product from each index (Dicker: paragraph 0174); and
- Identifying the product related to the transaction by selecting the product having the highest combined weight value (Dicker: paragraph 0174).

Referring to claim 16. Walker discloses a method according to claim 10 as indicated supra. Walker does not expressly disclose a method wherein the step of identifying a supplier further includes:

- Assigning a supplier identification code corresponding to the identified supplier of each transaction; and
- Wherein the step of processing the modified purchasing data further includes the substep of sorting the transactions according to the assigned supplier identification code.

Dicker discloses a method wherein the step of identifying a supplier further includes:

- Wherein the step of processing the modified purchasing data further includes the substep of sorting the transactions according to the assigned supplier identification code (Dicker: Fig. 2).

At the time the invention was made it would have been obvious to one skilled in the art to have modified the method of Walker to have included the teachings of Dicker in order to recommend products based on information known about particular users (Dicker: paragraph 0003).

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Referring to claims 25-27, 29-30, 37, 46-48, 50-51 and 58. Claims 25-26, 29-30, 37, 46-48, 50-51 and 58 are rejected under the same rationale as set forth above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG  
Patent Examiner  
March 16, 2006